

Patent Application Serial No. 10/589,129

REMARKS

The amendments to claim 1 are exemplified in Fig.1, where the claimed compressor, circulation duct, radiator, evaporator, throttle apparatus, heat exchanger, and drying room of claim 1 are respectively exemplified by the disclosure's compressor (31), circulation duct (41), radiator (32), evaporator (36), throttle apparatus (33, 35), heat exchanger (34), and drying room (42).

(2-3) Claims 1-4 are rejected under 35 U.S.C. §103(a) as being obvious over Lanciaux, US 4,621,438 in view of Itoh, US 2002/0046570. This rejection is respectfully traversed.

(a) The present amendment clarifies the differences over Itoh with regard to the heat exchanger. Although Itoh discloses a heat exchanger 150, this heat exchanger does not exchange heat between the refrigerant and drying air, as does the Applicant's. Therefore any combination of Lanciaux and Itoh (not admitted) would not reach amended claim 1.

In more detail: The heat exchanger of claim 1, as amended, exchanges heat between the refrigerant and drying air while the internal heat exchanger 150 disclosed by Itoh exchanges heat between the discharge side refrigerant and suction side refrigerant; see Itoh at [0077]. Therefore, Itoh's internal heat exchanger 150 is not comparable to the heat exchanger of claim 1. The former does not exchange heat between the refrigerant and drying air, and thus does not function at all like the latter, either *per se* or in combination with Lanciaux. It should also be noted that neither the outdoor exchanger 130 as disclosed in Itoh, nor any element disclosed in Lanciaux, has functions comparable to those of the heat exchanger of claim 1.

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(b) Claim 1 recites a radiator, an evaporator, and a heat exchanger, each one being inside the circulation duct.

The Examiner, in answering the Applicants' arguments in ¶1 on page 2, states that the argument about a third heat exchanger is not persuasive. The Examiner points out that Lanciaux mentions a condenser and evaporator, and then asserts that Lanciaux discloses a third heat exchanger, which the Examiner indicates with an arrow in the reproduction of Fig. 16 (on page 4 of the Office Action). The Examiner thus takes a portion of what the reference call "condenser 150" to be a distinct heat exchanger; in other words, the Examiner subdivides the condenser and, in effect, *creates* a new "heat exchanger."

Under the Examiner's interpretation, *any* section of the heat exchanger 150 could be counted as yet another "heat exchanger." Each individual bight (turn) of the tubing 162 of the heat exchanger 150 could count as one, and these would number five. Using the same principle, one could as easily count ten heat exchangers, or more.

The reference itself states, "the condenser 150 [is one of] heat exchangers formed by nested coils of copper or aluminum tubing 162 extending through a stack of spaced apart metallic plates or fins 164. ... As an alternative, either or both of these heat exchangers may be fabricated of embossed metal plates known as 'rollbon'." Thus, what the Examiner asserted as a distinct "heat exchanger" has no reference numeral, and the reference itself gives no indication that the heat exchanger is to be sub-divided.

The Examiner states that Lanciaux discloses a duct 144 in Fig. 12. However, Fig. 12 does not show a third heat exchanger.

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(c) The Examiner then asserts that the third heat exchanger is illustrated in Fig. 15 of Lanciaux, rather than in 16. The Examiner states, “the unnumbered element clearly embodies the notation for a heat exchanger, as recognized in the art.” The Applicants ask, what is the “unnumbered element”? From the Examiner’s statement, this element has no reference numeral: but there is no description, and it cannot be determined. Second, what is “notation for a heat exchanger” and where is it in the reference? Third, how can a mechanical element of a clothes dryer embody a notation? Fourth, as to “recognized in the art,” is the Examiner taking Official Notice? If so, this is traversed and the Examiner is requested to provide a reference.

The Applicants’ previous remarks are respectfully reiterated by reference.

It is well established that all words in a claim must be considered in judging the patentability of that claim against the prior art. In *re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). It is also well established that if an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. In *re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore the other claims, all dependent on claim 1, are likewise patentable over Lanciaux in view of Itoh.

(4) Claim 5 is rejected under 35 U.S.C. §103(a) as being obvious over Lanciaux in view of Itoh and further in view of Honda, US 2001/0,018,831. This rejection is respectfully traversed on the basis of the remarks above for claim 1.

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(5) Claims 6-7 are rejected under 35 U.S.C. §103(a) as being obvious over Lanciaux in view of Itoh and further in view of Sakakibara, US 6,494,051. This rejection is respectfully traversed on the basis of the remarks above for claim 1.

In view of the aforementioned amendments and accompanying remarks, the application is submitted to be in condition for allowance, which action is requested.

Respectfully submitted,

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I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571-273-8300) on February 16, 2010.

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